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## Alvin B. Rubin: Biographical Data

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## **Alvin B. Rubin**

### **Biographical Data**

United States Circuit Judge, Fifth Circuit Court of Appeals, since October 8, 1977.

Previously United States District Judge, Eastern District of Louisiana, 1966-1977.

**BORN:** Alexandria, Louisiana, March 13, 1920.

**FATHER:** Simon Rubin

**MOTHER:** Frances P. Rubin

Parents lived in Alexandria until 1939. Resided in New Iberia from 1939-1942. Returned to Alexandria 1942-1948. Moved to New Orleans 1948. Parents deceased.

**HOME ADDRESS:**

10217 Runnymede Avenue  
Baton Rouge, Louisiana 70815  
Telephone: 928-9159

**OFFICE ADDRESS:**

Suite 2400  
One American Place  
Post Office Box 4309  
Baton Rouge, Louisiana 70825  
Telephone: 389-0521

**FAMILY:**

Married to Janice Ginsberg in 1946. Two children:  
Michael, born 1950 (now practicing law in Baton Rouge, Louisiana).  
David, born 1952 (now practicing law in Baton Rouge, Louisiana).

**EDUCATION:**

Public Schools, Alexandria, Louisiana.  
B.S. Degree, Business Administration, Louisiana State University,  
College of Commerce, 1941.  
LL.B., Louisiana State University Law School, 1942.  
Honorary Degrees:  
Louisiana State University, LL.D., 1990.  
Loyola University of the South, LL.D., 1990.  
Academic and other recognition while in law school:  
Member of Order of the Coif and Omicron Delta Kappa.  
Editor-in-Chief, Volume IV, Louisiana Law Review.  
Valedictorian, LSU Law School, 1942.

**ARMED SERVICES:**

Enlisted Army of U.S., Private, 1942. Attended Officers Candidate School. Served two years in European Theatre of Operations. Three Combat Zone Ribbons. Letter of commendation, Commanding General, Chanor Base Section, European Theatre of Operations. Promoted to Captain. Released to inactive duty, 1946. Assistant Judge Advocate, U.S. Army Reserve, 1948-1952.

**PRACTICE OF LAW:**

Associated with firm of Sanders, Miller upon release from active duty. Made partner in firm in 1946. Engaged in private practice of law in Baton Rouge, Louisiana, under firm name of Sanders, Miller, Downing, Rubin and Kean, from 1946 until appointment as United States District Judge, November 11, 1966.

**UNIVERSITY TEACHING ACTIVITIES:**

Adjunct Professor, Louisiana State University Law School, 1946 to 1991.

Lecturer, Duke University School of Law, 1985 to 1988.

Lecturer, Southern University Law School, 1985 to 1988.

**GENERAL PROFESSIONAL ACTIVITIES:**

Chairman, Board of Editors, Judicial Writing Manual, published by Federal Judicial Center.

American Bar Association Task Force on Law Schools and the Profession, 1989.

Boss of the Year, 1989, Baton Rouge Legal Secretaries Association.

Speaker, University of Texas, Locke Purnell Rain Harrell Lecture. Paper entitled "The Honest Judge." October 12, 1988.

Speaker, Annual Tucker Lecture, LSU Law School, Baton Rouge, Louisiana, 1988. Paper entitled "Hazards of a Civilian Venturer in a Federal Court: Travel and Travail on the Erie Railroad."

ABA Appellate Magistrates Committee, Appellate Judges Conference, 1988.

Speaker, First Annual Seminar on Religion, Annenberg Religious Institute, University of Pennsylvania, 1987. Paper entitled "How Secular Must/May Public Schools Be?"

Chairman, Program Committee, Fifth Circuit Judicial Conference, 1987.

Board, Federal Judicial Center, 1987-1991.

Luncheon Speaker, Annual Meeting, Deans of America Law Schools, 1987.

Moderator, Aspen Institute Program, Justice and Society, Wye, Maryland, 1987 (with Professor Maurice Rosenberg).

Lecturer, Duke in Denmark, 1987.

Leary Lecture, University of Utah Law School, 1986.

Moderator, LSU Maritime Personal Injury Seminar, 1982, 1984, 1986.

- Moderator, Presidential Showcase program, American Bar Association Annual Meeting, 1986.
- Moderator, Aspen Institute on Justice and Society (with Professor Drew Days), July 1986.
- Moderator, National Symposium on Civil Justice Issues, jointly sponsored by Fordham University School of Law and Insurance Information Institute, March, 1985.
- Speaker, Annual Judicial Conference, Tax Court of the United States, 1985.
- Sibley Lecturer, University of Georgia Law School, Fall, 1985.
- Visiting Adjunct Professor, Senior Lecture in Law, Duke University School of Law, Mid-semester 1985, 1986, 1987.
- Adjunct Professor, Southern University Law School, 1985-1988.
- Simms Lecture, University of New Mexico Law School, Spring, 1986.
- Speaker, Tulane University Conference, Admiralty in an International Setting, Copenhagen (1984).
- ABA Conference on Legal Education & the Profession: Approaching the 21st Century, Sacramento, California (1984).
- Distinguished Judicial Visitor, University of Connecticut Law School (1984).
- Moderator, Aspen Institute Seminar on Justice and Society (co-moderator with Justice Shirley Abrahamson) (1983).
- Distinguished Judicial Visitor, University of Iowa Law School (1983).
- Hall of Distinction, Louisiana State University (in first group thus honored) (1982).
- Speaker, Tulane Admiralty in an International Setting, Athens, Greece (1982).
- Guest Professor, Tulane Law School Summer Session, Athens, Greece (1982).
- Visiting Committee, Cornell University School of Law (1980-1985).
- Member of the Board of Editors of the Manual for Complex Litigation (1980-1991).
- Chairman, Subcommittee of the Committee on Court Administration of the Judicial Conference of the United States, Special Committee to Consider Alternatives to Jury Trials on Protracted Civil Cases (1980-1984).
- Chairman, Program Committee, Fifth Circuit Judicial Conference (1980).
- Joint Arbitrator and Judicial Committee to Consider Deliberative Processes, National Academy of Arbitrators (1980).
- Distinguished Judicial Visitor, Notre Dame Law School (1980).
- Speaker, Brookings Institute Conference on Judicial Problems, Executive, Legislative and Judicial Branches (1980).
- Visiting Lecturer, Annual Seminar, Canadian Judicial Conference (1978-1981).

- Member Committee on Court Administration, Judicial Conference of the United States (1979-1984).
- Speaker, Brookings Institute Conference in Judicial Problems, Executive, Legislative and Judicial Branches (1979).
- First Alumni Member, Phi Beta Kappa, LSU (1978).
- Participant, Justice Program Seminar, Aspen Institute for Humanistic Studies, Aspen Institute, Berlin, Germany (1978).
- Reporter on Constitutional Law for *Journe'es of the Association Henri Capitant* (1978).
- Speaker, American Bar Association National Institute on Equal Employment Opportunity Law (1977).
- Board of Directors, American Judicature Society (1977-1982).
- Member, Long Range Planning Committee, Louisiana State Bar Association (1976-1977).
- Board of Editors, American Bar Association Journal (1976-1982).
- Speaker, National Conference of the Causes of Popular Dissatisfaction with the Administration of Justice, commemorating the 70th anniversary of Roscoe Pound's address to the American Bar Association in St. Paul, Minnesota (1976).
- Visiting Committee, University of Miami, School of Law (1975-1981).
- Visiting Committee, Harvard Law School (1975-1980).
- Chairman, Prepaid Legal Services Committee, Louisiana State Bar Association (1973-1976).
- American Bar Association Task Force on Lawyer Competency: The Role of the Law Schools.
- Visiting Committee, The Law School of the University of Chicago (1972-1975).
- Chairman, Judicare Evaluation Committee, American Bar Foundation (1972).
- Advisor, Civil Code Revision Project, Louisiana State Law Institute (1970-1978).
- Honorary Member, Blue Key, Loyola University of New Orleans (1970).
- Chairman, Lawyer Referral Service Committee, American Bar Association (1969-1971). Member 1966-1972.
- Chairman, Special Committee to Draft Model Rule to Court Appearances for Law Students, Section of Judicial Administration, American Bar Association (1968-1970).
- Chairman, Lawyer Referral Committee, American Bar Association (1968-1972).
- Member, Subcommittee on Judicial Statistics, Judicial Conference of U.S. (1968-1972).

Member, Subcommittee on Judicial Statistics, Committee on Judicial Administration, Judicial Conference of the United States [this committee consists of five judges, and its function is to determine methods of evaluating judicial performance, make recommendations concerning needs for new judges throughout the United States, and review statistics for judicial performance throughout the United States] (1967-1976).

Special Committee on Law Students, Section of Judicial Administration, American Bar Association (1967-1968).

Chairman, Lawyer Referral Service Committee, American Bar Association (1966-1972).

Member, Committee on Lawyer Referral, American Bar Association (1965).

Member, House of Delegates of the American Bar Association (1964-1966).

Advisory Committee, Governor's Committee on Tax Revision (1964).

Advisory Committee, Louisiana Legislative Committee on State Administrative Procedure Act (1964).

Chairman, Section of Bar Activities (1963-1964).

Chairman, Committee on Estate and Gift Taxation, Tax Section, American Bar Association (1963).

Advisory Committee, Preparation of Louisiana Trust Code (1962-1964).

Chairman, Section of Immovable Property, Probate and Trust Law, Louisiana State Bar Association (1960).

Chairman, Labor Law Section, Louisiana State Bar Association (1955).

National Council, ABA Junior Bar Conference (1953-1955).

Louisiana State Chairman, Junior Bar Section (1950).

Honorary Member Phi Delta Phi Legal Fraternity (1950).

Chairman of committee which founded Baton Rouge Legal Aid Center (1947).

American Law Institute (1975-1991).

Arbitrator, Federal Mediation and Conciliation Service, 1949-1966.

#### CIVIC AND RELIGIOUS ACTIVITIES:

ACLU Award, Louisiana Chapter, for dedication to civil rights, 1989.

Speaker, National Conference of Christians and Jews, 1982.

Member, Board of Trustees, Temple Sinai, New Orleans, 1971-1977.

Member, National Advisory Board, American Jewish Committee (1966-1976).

Speaker, National Conference of Christians and Jews, 1974.

Member, Board of Directors, Jewish Welfare Federation, New Orleans, 1970-1972.

Executive Committee, Anti-Defamation League, New Orleans, Louisiana (1966-1971).

Member, LSU Foundation (1967-1982).

Board, Jewish Welfare Federation, New Orleans, Louisiana (1969).

Brotherhood Award, National Conference of Christians and Jews (1968).

Secretary and member of Executive Committee, Baton Rouge United Givers Fund (1954-1966).

Member, Board of Trustees, Congregation B'Nai Israel (1958-1966).

Trustee, Public Affairs Research Council (1962-1966).

Director, Council for a Better Louisiana and Foundation for a Better Louisiana (1962-1966).

Vice President, Southwest Regional Council, Union of American Hebrew Congregations (1963-1966).

Co-Chairman, National Conference of Christians and Jews (1965).

Chairman, Baton Rouge Zoning Commission Study (1965).

President, Congregation B'Nai Israel (1962-1964).

Baton Rouge Golden Deeds Award for outstanding civic achievement (1962).

Member, Board of Trustees, Congregation B'Nai Israel (1952-1955).

Board of Directors, Baton Rouge Chamber of Commerce (1953).

**ORGANIZATIONS:**

American Academy of Arts and Sciences (elected 1989)

American Law Institute

American Legion

B'Nai B'Rith Anti Defamation League

Blue Key

Masonic Order (32°)

National Academy of Arbitrators (1960-1984)

Phi Beta Kappa

American Arbitration Association (1956-1966)

American College of Probate Counsel

American Bar Association

American Trial Lawyers Association

The Institute of Judicial Administration

Served at various times in past years as member of Board of Directors of:

Baton Rouge Chapter of City of Hope

Baton Rouge Legal Aid Center

Baton Rouge Little Theater

Baton Rouge Symphony

Blundon Home

Community Services Council

Family Relations Council

Girl Scouts of America

National Society for Crippled Children and Adults.

Served at various times in past years as member of Advisory Committees of:

YMCA

Salvation Army

Board of Directors, American Bank & Trust Company (1960-1966).

**LECTURER:**

Duke in Denmark Summer Program, 1987

ALI-ABA Programs on Civil Practice and Evidence

Practicing Law Institute Programs

Workshop, Federal Appellate Judges

Seminar, Federal District Judges

Circuit Workshops for Federal Judges

Attorney General's Advocacy Programs

Southeastern Admiralty Law Institute

Louisiana State Attorney General Advocacy Program

Various Continuing Legal Education Programs, LSU Law School

Tulane Tax Institute

Southwest Legal Foundation

Louisiana State University Mineral Law Institute

University of Georgia Tax Institute

Louisiana State University Insurance Institute

**MOOT COURTS:**

Yale School of Law

Brigham Young University Law School

Harvard Law School

Louisiana State University Law School

Loyola of the South Law School

Tulane Law School

University of Southern California Law School

University of Utah Law School

Toledo College of Law

Southern University Law School

**AUTHOR:**

*Books:*

1982 Co-author, Rubin and LeVan, *Louisiana Wills and Trusts: A Drafting System.*

1977 Co-author, DiLeo and Rubin, *Law Clerk Manual*, published by the Federal Judicial Center as the standard manual for law clerks in federal appellate and trial courts.

1966 Co-author (with Janice Rubin, his wife), *Rubin and Rubin, Louisiana Trust Handbook.*

1963-64 Co-author, McMahon and Rubin, *Louisiana Pleadings and Judicial Forms Annotated.*



*Articles:*

- 1991 The 39 Steps of Appellate Practice, 2 *The Practical Litigator* 13 (May, 1991).
- 1988 Book Review: *What Appeals to the Court, A Review of Federal Appeals: Jurisdiction and Practice*, by Michael Tigar, 67 *Texas Law Review* 225 (1988).
- 1987 You Don't Have to Be a Bleeding Heart: A Call for Tough-Minded Lawyers Who Believe in Due Process, 35 *Louisiana Bar Journal* 240 (December, 1987).
- 1987 Contributor, *A Dialogue About Legal Education as It Approaches the 21st Century*, (1987) A Symposium co-sponsored by the ABA Section of Legal Education and Admissions to the Bar and McGeorge School of Law, University of Pacific, 29-31, "The Overworked Judge and the Law Clerk; Remedial Education for Lawyers."
- 1987 District of Columbia Annual Judicial Conference, 114 *FRD* 548 (1987).
- 1987 . . . Except in Louisiana, co-authored with Gerald LeVan, 33 *The Mississippi Lawyer* 19 (1987).
- 1987 Arbitrator's Immunity from Damage Claims, *Arbitration, 1986; Current and Expanding Roles*, Proceedings of the 39th Annual Meeting of the National Academy of Arbitrators, page 19.
- 1987 Doctrine in Decision Making: Rationale or Rationalization, 1987 *Utah Law Review* 357 (1987).
- 1987 Deprived Without Due Process: The Fourteenth Amendment and Abuse of Power, 16 *New Mexico Law Review* 199 (1986).
- 1986 Mass Torts and Litigation Disasters, 20 *Georgia Law Review* 429 (1986).
- 1985 Book Review—ALI-ABA Resource Materials: *Civil Practice and Litigation in Federal and State Courts*.
- 1984 An Idea Whose Time Has Gone, *ABA Journal*, June 1984, p. 16.
- 1983 Co-author (with David P. King), *New Cargo from Old Ports: Recent Significant Maritime Personal Injury Cases*. 8 *Maritime Lawyers Journal* (1983).
- 1983 Foreword to Special Maritime Edition II, *South Texas Law Journal*, xi (1983).
- 1983 Appellate Delay and Cost—An Ancient and Common Disease: Is It Intractable? *The Maryland Law Review*, Vol. 42, No. 4, 1983.
- 1983 Opinion and Expert Testimony Under the Federal Rules of Evidence, 7 *ALI-ABA Course Materials Journal* No. 5, 1983.

- 1983 The Admiralty Case on Appeal in the Fifth Circuit, 43 Louisiana Law Review 4 (1983).
- 1983 Book Review, 69 American Bar Association Journal 213 (1983) (reviewing S. Saltzburg & K. Redden, Federal Rules of Evidence Manual 3d ed. 1982).
- 1982 Thoughts on Appellate Advocacy, 6 ALI-ABA Course Materials Journal No. 13, 1982.
- 1982 Trial by Jury in Complex Civil Cases: Voice of Liberty or Verdict by Confusion?, Annals of the American Academy of Political and Social Science, Annals, AAPSS, 462, July 1982.
- 1980 Bureaucratization of the Federal Courts: The Tension Between Justice and Efficiency, 55 The Notre Dame Lawyer 648.
- 1979 Judicial Review in the United States, 40 Louisiana Law Review 67.
- 1977 Special Pamphlet on "The Role of the Judge in the Settlement Process," co-authored with Honorable Hubert Will and Honorable Robert R. Merhige, Jr., published by the Federal Judicial Center.
- 1976 View From the Lower Court, 23 U.C.L.A. Law Review 448; also published in 23 Louisiana Bar Journal 247.
- 1976 How We Can Improve Judicial Treatment of Individual Cases Without Sacrificing Individual Rights: The Problems of the Criminal Law, an address delivered at the National Conference on the Cause of Possible Dissatisfaction with the Administration of Justice, at St. Paul, Minnesota and published in 70 F.R.D. 176.
- 1976-80 Co-author Pocket Parts II Louisiana Pleading and Judicial Forms Annotated.
- 1976 Book Review—Freedman—Lawyers' Ethics in an Adversary System, February, 1976 issue Juris Doctor, p. 37.
- 1975 A Causerie on Lawyers' Ethics: Negotiation, 35 Louisiana Law Review 577.
- 1974-75 Testimony before Commission on Revision of the Federal Court Appellate System, published in Hearings, Second Phase, p. 1035.
- 1972 Book Review—Lawyers and Public Service, July, 1972 issue ABA Journal.
- 1970 Lawyer Referral Bulletin (April) "Lawyer Referral—The Generation Gap."
- 1969 Pamphlet "Establishing a Lawyer Referral Service" for the ABA Standing Committee on Lawyer Referral Service.
- 1964 Co-author—Notes on Title Examination, published by West Publishing Company.

- 1963 Section 1244 and the Stylish Stout, 63 Tulane Tax Institute 559.
- 1962 Co-author, Portion of Symposium on the Work of the Louisiana Supreme Court, Successions, 22 Louisiana Law Review 317.
- 1960 Law Practice Forum: SASLON, 6 The Practical Lawyer.
- 1960 Mineral Rights and the Trust Device, 7 Institute of Mineral Law 12.
- 1958 American Bar Association Journal, Vol. 4, p. 177, Corporate Stock Redemptions.
- 1958 Tax Ideas, How to Handle Covenants Not to Compete in Good Will.
- 1958 Book Review, Rhyne, Municipal Law, 32 Tulane Law Review 335.
- 1958 Book Review, O'Neal, Closed Corporations, 19 Louisiana Law Review 233.
- 1957 Co-author, Portion of Symposium on the Work of the Louisiana Supreme Court for the 1956-1957 Term, 18 Louisiana Law Review 88.
- 1957 Co-author, Portion of Symposium on the Work of the Louisiana Supreme Court for the 1955-1956 Term, 17 Louisiana Law Review 369.
- 1957 Co-author, Portion of Symposium on Legislation Affecting Local Government, 17 Louisiana Law Review 81.
- 1957 The Enforcement of Collective Bargaining Agreements by Arbitration in Louisiana, 17 Louisiana Law Review 1.
- 1955 Co-author, Portion of Symposium on the Work of the Louisiana Supreme Court for the 1953-54 Term, 15 Louisiana Law Review 329.
- 1953 Co-author, The Ostrich and the Arbitrator: The Use of Precedent in Arbitration of Labor-Management Disputes, 13 Louisiana Law Review 208.
- 1953 Distribution of Income and Corpus and Allocation of Deductions in Louisiana Estates which are in the Process of Administration, 13 Louisiana Law Review 569.
- 1953 Book Review, Brownell, Legal Aid in the United States, 13 Louisiana Law Review 354.
- 1952 Co-author, Portion of Symposium on the Work of the Louisiana Supreme Court for the 1950-51 Term, 12 Louisiana Law Review 354.
- 1951 Co-author, Portion of Symposium on the Work of the Louisiana Supreme Court for the 1949-50 Term, 11 Louisiana Law Review 151.
- 1949 Co-author, Some Community Property Aspects of the 1948 Revenue Act, 9 Louisiana Law Review 1.

- 1949 Co-author, Portion of Symposium on the Work of the Louisiana Supreme Court for the 1947-48 Term, 9 Louisiana Law Review 215.
- 1948 Associations: Partnerships Taxable as Corporations, 8 Louisiana Law Review 313.
- 1947 Co-author, Portion of Symposium on the Work of the Louisiana Supreme Court for the 1946-47 Term, 8 Louisiana Law Review 241.
- 1947 Book Review, Rhyne, Labor Unions and Municipal Employee Law, 7 Louisiana Law Review 453.
- 1947 Book Review, Gregory, Labor and the Law, 7 Louisiana Law Review 601.
- 1946 Co-author, Portion of Symposium on the Work of the Louisiana Supreme Court for the 1945-46 Term, 7 Louisiana Law Review 172.

